

## **Minutes from the March 14, 1998 Meeting**

The Fernald Citizens Advisory Board met from 8:40 a.m. until 12:06 p.m. on Saturday, March 14, 1998, at the Alpha Building, 10967 Hamilton-Cleves Highway, Harrison, Ohio. The meeting was advertised in local papers and was open to the public.

### **Members Present:**

John Applegate  
Jim Bierer  
Marvin Clawson  
Lisa Crawford  
Jack Craig  
Pam Dunn  
Jane Harper  
Darryl Huff  
Gene Jablonowski  
Dan McElroy  
Graham Mitchell  
Robert Tabor  
Thomas Wagner  
Gene Willeke  
Ray Wurzelbacher

### **Members Absent:**

French Bell

### **Designated Federal Official Present:**

Gary Stegner

### **Staff Present:**

Tereza Marks  
Crystal Sarno  
Douglas Sarno

Approximately 7 spectators also attended the meeting, including members of the public and representatives from DOE and Fluor Daniel Fernald.

## **1. Call to Order**

Chair John Applegate called the meeting to order at 8:32 a.m.

## **2. Announcements and New Business**

Minutes from the January 17, 1998, meeting were noted as being approved.

Applegate welcomed Ray Wurzelbacher to the Board. Wurzelbacher is a member of the Ross Township Board of Trustees. He also welcomed Leah Dever, now head of the Ohio Field Office. Dever explained to the Board that she grew up in western Pennsylvania and spent 13 years in D.C., spending six of those years at DOE Headquarters. She then went to work at the Nevada Operations Office where she managed the Environmental Operations Program. She noted that when the Nevada Community Advisory Board was started, they looked to Fernald as an example.

Applegate stated that part of this meeting would be videotaped since there has been no recent videotape of the Citizens Advisory Board in action.

Connie Fox has retired from the Board due to other commitments. The Board expressed its gratitude to Fox for her outstanding service.

Applegate announced that he will also be retiring from the Board. He has accepted a position at Indiana University and will no longer be a resident of Ohio. Since he is resigning, a procedure needs to be developed for finding and electing a new Chair. Jim Bierer is the obvious choice for a Chair as he is currently the Vice Chair. The Steering Committee made two recommendations to the Board: (1) that a procedure be established in which the Steering Committee brings a recommendation for Chair and Vice Chair before the Board and (2), following that procedure, that Jim Bierer be nominated as the Chair. Bob Tabor made the motion that a procedure be established in which the Steering Committee brings recommendations for the Chair before the Board. Tom Wagner seconded the motion. The vote was unanimous in favor. Bob Tabor made the motion that Jim Bierer be appointed Chair. Lisa Crawford seconded the motion. Bierer was unanimously elected Chair. Applegate suggested the Board consider candidates for Vice Chair and that action be taken for nominating a Vice Chair at the May CAB meeting.

The Nevada CAB is still going to hold a Low-Level Waste Forum. However, the forum has been delayed from early April until late May. The Nevada CAB has been very responsive to Fernald's offer to help with the conference. Fernald hopes to have a strong presence at the conference. Dale Shutte, Chair of the Nevada CAB, will be in Fernald on Tuesday, March 17.

## **3. Corrective Action Plan**

At the last meeting, the Board sent a letter to DOE expressing specific concerns about the leaking white metal boxes. Jack Craig presented the general ideas outlined in the Corrective Action Plan, which should address many of the CAB's concerns. Craig handed out a flow chart outlining the steps involved in approving the Corrective Action Plan. Two things have happened since February: Fluor Daniel Fernald responded to the Type B Investigation with a draft report and DOE-FEMP submitted a draft response. Craig will have the plan to DOE-Ohio by March 23rd. The Nevada office will also receive copies. The plan will need to be approved by the Assistant Secretary of Environmental Management.

The acquisition and approval processes will be improved as a result of the white metal box incident. There are going to be substantial systems changes. From now on, both a QA person and an engineer will sign off on any changes to design. Any time there is a waiver on project quality assurance, an engineer and contract manager will have to agree to it.

DOE-FEMP is going to readdress sending this material to Nevada; the waste may not need to be shipped. They are also obtaining better information about the absorbents. Adding absorbent is not treatment. Perhaps a waste containing that much moisture should be treated on site and possibly even solidified. DOE also wants redundant systems in place. Currently DOE-FEMP is working closely with the Nevada office; they will be meeting with them at the end of the month and will have a representative at the April Nevada CAB meeting. DOE will ship dry materials from the site first before shipping more moist waste.

The WCS Injunction is preventing DOE from awarding a contract to dispose of waste at a commercial facility. A hearing is scheduled for April 6th. No alternative to NTS exists at this time. Although DOE is self-regulated, it has chosen to require state licenses.

Bob Tabor asked, if the WCS injunction is not resolved and commercial disposal of the OU1 wastes cannot occur, will the waste be able to go to Nevada by rail. Craig says they have tried to look at possible alternatives for disposal of this waste. The ROD would have to be changed because it specifies commercial disposal. Shipping the waste to NTS would add over \$400 million to the cost of the project, and it is currently not possible to send waste by rail. Another alternative would be to ship the waste to Hanford. However, Hanford does not have rail access right now and the state of Washington does not want the waste sent there. This alternative would also result in significant cost and schedule impacts.

Jane Harper asked if this waste could end up in the On-Site Disposal Cell. This material exceeds the site waste acceptance criteria. Not only would the ROD have to be changed in this case but also the public would have to agree to the change. In the worse case scenario, the whole project would be put on hold.

Lisa Crawford would like to see work on the Waste Pits continue even though there is a chance that it cannot be completed. Craig stated that they would continue with the contract as if the first waste shipments will be made in March of 1999. The contract will be halted next March if there is not a decision from the courts. If the contract is terminated, there will be contract termination costs.

Applegate suggested that the committees monitor progress on the injunction. Craig suggested that the injunction be put on the agenda for the May meeting. Tabor suggested embarking on a campaign to get people involved.

Applegate was then asked to give a brief overview of the appeals process. The time between a decision and an appeal is normally about a year. The government has gotten the court to hear the appeal in a much shorter time frame. Applegate has read the DOE argument to the court of appeals and indicated that it is well written and explains both what is wrong with the lower court's decision and the effects of the decision. It is conceivable that the appeals court could reach a decision within a month. The appeals court could decide that the original judge was completely wrong and overturn the decision. The court could also allow DOE to continue to ship wastes until the case is decided, or the court could ask the judge to rethink his previous decision.

Tom Wagner asked why the previous leaks in the white metal boxes did not indicate to the department that there was a problem. Craig stated that the original inquiry focussed on the absorbents and not on the boxes. Also, leaks contained inside the trailer were not that big of

a deal in Nevada. Fernald was relying on Nevada's reactions to determine if their approach was right or wrong. The notification and approach processes have been improved. Wagner also pointed out that the first leaks were not pointed out to a large group of people.

Wagner then asked Craig for the status of the Nevada Intermodal Transport Study. Craig stated that he would find out for Wagner.

There is a need to communicate clearly and freely on waste transportation issues to the public. Willeke wondered if the CAB should focus some of its attention on communication with the public. The emergency response people might be easier to reach than the general public. There was some discussion on whether addressing the public was an issue for the CAB to consider.

### **3. Review of Past Recommendations**

Each member of the CAB was provided with a chart of recommendations made by the CAB. The 1995 Recommendations are the recommendations contained in the July 1995 report. The 1995 recommendations on site remediation levels and waste disposition have been followed. Recommendations on priorities for remediation have received a mixed response. These recommendations call for a shift in the overall approach to remedial actions. Craig stated that there has been a shift in the way work is done on site. Work is being divided into projects each of which has a cost, plan, and schedule. FDF is still trying to reduce mortgage costs, but some progress is being made.

Tabor, who works at the site, said that things have really improved. Moving to a project base has really helped; safety is being maintained and things are done more efficiently. However, he has some concerns regarding ongoing maintenance.

Plant 2/3 is currently undergoing safe shutdown. Plant 9 is being demolished. Plant 5 safe shutdown has been completed and the building is ready for demolition. Safe shutdown is being planned for Plant 6. These projects could be completed quicker if more employees were involved; however, FDF has decided to do the job with fewer employees and so it will take a little longer. Craig stated that he would examine each of these recommendations and attach dollar amounts of savings that have occurred. The efficiency committee will track these recommendations.

In 1997, the CAB made a request to DOE to "provide a detailed analysis comparing effectiveness of vitrification and cementation, risks of transportation, and compliance of waste acceptance criteria" for Silos 1 and 2 wastes. Craig said that this information would be provided as part of the procurement process.

Bierer said that the Natural Resource Restoration Plan's early action to contour and plant the buffer zone had been submitted to DOE in February, but no response has been received. Sarno explained that the trees should be planted concurrent with remediation so that some trees are mature when remediation is complete. Craig said that a plan has been drafted and reviewed by Ohio and the Department of the Interior. He offered to provide Bierer with a flow chart of the review process for the Natural Resource Restoration Plan.

Generally, when requests for information have been made, DOE has responded quickly and thoroughly. The weekly newsletter and monthly progress briefings have been very helpful in keeping stakeholders informed about progress at the site. Applegate reminded the Board members that it is important that they try to attend the monthly progress briefings. These meetings provide an overview on all the site happenings and discuss a different topic each

month. The meeting also provides a chance for CAB members to hear the views of the rest of the public.

Sue Walpole offered to provide Ray Wurzelbacher with copies of past monthly progress briefing handouts.

Crawford requested that a brief presentation on the reinterment of Native American remains be given at the next meeting. Joe Shoemaker has written a book on the subject and things are evolving at the site on this issue. She also requested that Johnny Reising brief the CAB on the FY2000 Priorities List.

Applegate suggested that the CAB review the recommendations annually.

## **5. Conflict of Interest Statement**

A conflict of interest statement was put together by the steering committee. The statement reads:

“The CAB will not visit potential vendors, except for existing projects or demonstrations already funded by the federal government. Individual members must make their own judgment on personal trips, but they should make clear with any potential vendor that they do not represent the CAB for these purposes. Members should be aware that by discussing a proposal privately or accepting anything of value from a potential vendor, their objectivity or appearance of objectivity may be compromised.”

Applegate asked for comments and changes from the Board. There were none. Tabor made a motion that the statement be adopted as drafted. Bierer seconded the motion. The statement was unanimously approved. The statement will be added to the bylaws/groundrules.

## **6. 1998 Priorities and Schedule**

The CAB has adopted a new committee structure. Since DOE is holding monthly meetings to update people on activities at the site, the Board wants to have its committee meetings during the same week. The schedule through September would be:

<u>DOE Meeting</u>	<u>Committee Meetings</u>	<u>FCAB Meeting</u>
April 14	April 13 and 15	
May 23	May 13 and 14	May 16
June 9	June 10 and 11	
July 14	July 16	July 15
September 8	September 9 and 10	September 12

On April 1, there will be a public meeting on the Silos project. At the April 14<sup>th</sup> Monthly Progress Briefing, the topic of the month will be the Corrective Action Plan.

Sarno then asked members of the CAB if they were happy with their committee assignments. Members of other organizations were also encouraged to join the committees. A discussion ensued to outline the priorities and areas of interest for the committees over the next several months. The results were as follows:

Off-Site Committee

Members: Tom, Gene, Marvin, Darryl, Pam, Bob, Sandy, and Lisa

Topics:

- WCS Injunction/Contingency Planning
- Rail Transportation Awareness
- Silos
- Special Nuclear Materials
- Status of Intermodal Transport
- Corrective Action Plan

On-Site Committee

Members: Pam, Jim, Jane, Edna, Carol, and Bob

Topics:

- Native American Burials
- Copper Recycling
- Aesthetic Barriers
- Natural Resource Restoration Plan
- Land Use
- Sitewide Excavation Plan
- OSDF
- Environmental Monitoring
- Groundwater

Efficiency Committee

Members: Lisa, Bob, Dan, Ray, Pam, and Vicki

Topics:

- Special Nuclear Materials
- 95 Priorities Recommendations
- 2000 Budget Priorities
- Closure Report
- Special Nuclear Materials
- Mortgage Reduction/Savings
- Corrective Action Plan

All three committees will meet in April. The Off-Site Committee will meet on April 13 at 6:30 p.m. to discuss WCS Injunction, Silos, Special Nuclear Materials, and the White Metal Box Corrective Action Plan. The On-Site Committee will meet on April 15 from 6:30 to 7:30 p.m. to have a briefing on the Natural Resource Restoration Plan, the Sitewide Excavation Plan, and D & D. The Efficiency Committee will meet on April 15 from 7:30 to 9:00 p.m. to discuss the closure report and the corrective action plan. The Efficiency Committee will also schedule a conference call in a week or so to develop recommendations on the FY2000 Priorities List.

Sarno suggested that the committee meetings be announced during the Monthly Progress Briefings. He also explained that the lease on the Jamtek Building will be up in July so the CAB will have to find another location for committee meetings.

## **7. Committee Updates**

**Natural and Cultural Resources Committee:** The committee has had no recent meetings. They are monitoring the progress of the Supplemental Environmental Projects for OU4 Dispute Resolution. Three universities are involved in research grants. The wetland mitigation plan has been submitted to DOE.

**Waste Transportation Committee:** The committee has to review and make recommendations on the White Metal Box incidents.

**Monitoring and Recycling Committee:** The committee is currently developing recommendations on copper recycling.

**Waste Management Committee:** The committee has met to discuss the Silos 1 and 2 Proof of Principle Request for Proposal, the Accelerated Waste Retrieval Project, and the Silo 3 RFP. The committee was also involved in a joint workshop with FRESH on procurement practices. The committee is continuing to monitor progress on the WCS Injunction, the Silos Project, and will participate in the low-level waste forum in Nevada.

**Steering Committee:** The steering committee is continuing to work on the low-level waste forum in Nevada.

## **8. Public Comment**

John opened the floor for public comment. One member of the community thanked John and the CAB for helping the community. Marvin Clawson asked Leah Dever if DOE was computer compliant for 2000. She feels that the Ohio Field Office is in good shape. DOE as a whole, however, is a bit behind schedule. The main concern is that computers dealing with safety will be compliant.

## **9. Adjournment**

Applegate adjourned the meeting at 12:06 p.m.

I certify that these minutes are an accurate account of the  
March 14, 1998, meeting of the Fernald Citizens Advisory Board.

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John S. Applegate, Chair  
Fernald Citizens Advisory Board

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Date

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Gary Stegner  
Designated Federal Official

\_\_\_\_\_  
Date